

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application.

Claims 1-22, 24-26 and 31-34 are now pending in this application. Claims 1 and 16 are independent. Claims 1, 12, 16 and 21 have been amended. Claims 23 and 28-30 have been cancelled. Claims 31-34 have been added.

Reconsideration of this application, as amended, is respectfully requested.

Restriction Requirement

The Examiner has issued a restriction requirement between Group I (claims 1-26 and 28) and Group II (claims 29-30). Further, the Examiner has stated that Group I has been elected by original presentation, and withdrawn claims 29-30.

Applicant hereby elects Group I. It is respectfully submitted that pending claims 1-22, 24-26 and 31-34 read on the elected invention. Claims 29-30 have been cancelled. Applicant reserves the right to file a Divisional application at a later date, if so desired.

Rejection under 35 U.S.C. § 103

Claims 1-26 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ball et al. This rejection is respectfully traversed.

On page 6 of the last Office Action, the Examiner clarifies the rejection by stating that Applicant's previously argued distinctions of the claimed invention are not clearly recited in the claims. Further, the Examiner explains the interpretation of claim 8 regarding the terms "user" and "another user." Applicant thanks the Examiner for

clarifying the interpretation of the claims, and implicitly suggesting to the Applicant how the claims should be amended in order to overcome the rejection applying the Ball reference.

Applicant has amended independent claims 1 and 16 to explicitly recite that the initial audio message is created by a first person and one or more of the audio attachments to the initial audio message are created by a person or persons other than the first person. Therefore, Applicant's claims are now in accordance with the previous arguments of record, which are incorporated herein. Also, as inferred from the Examiner's comments, it would appear that the presently pending claims now recite a method and system not shown or suggested by Ball et al.

Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Added Claims

Dependent claims 31-34 have been added to further define additional aspects of the invention. Dependent claims 31-34 find support throughout the originally filed application, such as in lines 16-22 of page 2. Dependent claims 31-34 should be considerable allowable for the same reasons as independent claims 1 and 16, as well as for the additional limitations recited therein.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and as such, the present application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mr. Scott L. Lowe (Reg. No. 41,458) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

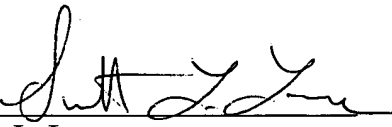
Applicant respectfully petitions under the provisions of 37 C.F.R. § 1.136(a) and 1.17 for a one month extension of time in which to respond to the Examiner's Office Action. The Extension of Time Fee in the amount of \$120.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

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Respectfully submitted,

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